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Attorneys for Defendants

City of Henderson, Officer C. Watts,

Officer B. Shaffer, Sgt. K. Abernathy

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARK CLIFFORD SYKES,

Plaintiff,

v.

CITY OF HENDERSON (A.K.A.)
HENDERSON POLICE DEPARTMENT of
CLARK COUNTY NEVADA, OFFICER C.
WATTS P#2171, OFFICER B. SHAFFER
P#2237, SERGEANT K. ABERNATHY
P#1207 in their individual capacity, et.al.,

Defendants.

CASE NO.: 2:22-cv-00956-JAD-EJY

~~PROPOSED~~ STIPULATED
DISCOVERY PLAN AND
SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(b). Plaintiff Mark Clifford Sykes, (“Plaintiff”) representing himself, and Defendants City of Henderson, Officer C. Watts, Officer B. Shaffer and Sgt. K. Abernathy (collectively “Defendants”) by and through their attorney Nancy D. Savage, Esq. Assistant City Attorney for the City of Henderson, submit this proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday or legal holiday have been scheduled for the preceding or next judicial day.

DESCRIPTION OF ACTION/PROCEDURAL HISTORY

Plaintiff originally filed his Verified Complaint on June 16, 2022 (ECF No. 1-2) and his First Amended Verified Complaint on November 3, 2022 (ECF No. 6).

Defendants filed their Motion to Dismiss on November 9, 2023 (ECF 18); Plaintiff filed his Opposition to the Defendants' Motion to Dismiss on November 27, 2023 (ECF 23); and Defendants filed their Reply in Support Of their Motion to Dismiss on December 4, 2023 (ECF 24).

PROPOSED DISCOVERY PLAN

Pursuant to FRCP 26(f), a meeting was held on December 20, 2023 and was attended telephonically by Plaintiff Mark Sykes and Nancy D. Savage, Assistant City Attorney for the City of Henderson on behalf of the Defendants.

A. **Initial Disclosures**: Pursuant to FRCP 26(a)(1), the Parties will make their initial disclosures on or before January 3, 2024.

1. **Areas of Discovery**: The Parties are in agreement that discovery will be needed on the Plaintiff's claims, Defendants' denials and the affirmative defenses. No changes should be made on the limitations of discovery imposed under Federal Rules of Civil Procedure or local rules.

2. **Discovery Plan**: The Parties propose the following discovery plan:

B. **Discovery Cut-Off Date(s)**: Pursuant to LR 16-1(b), discovery in this action shall be completed on or before June 26, 2024.

1. **Discovery** must be completed no later than **June 26, 2024**.

2. **Amending the Pleadings and Adding Parties**: The Parties shall have until **March 28, 2024** to file any motions to amend the pleadings or add parties.

3. **FRCP 26(a)(2) Disclosure of Experts**: Disclosure of experts shall proceed according to FRCP 26(a)(2) and LR 26-1(b)(3) as follows: The disclosure of initial experts and their

reports shall occur on or before **April 29, 2024**. The disclosure of rebuttal experts and their reports shall occur on or before **May 29, 2024**.

~~4. **Interim Status Report**. The Parties shall file the interim status report by **April 29, 2024**.~~

5. **Dispositive Motions**: The date for filing dispositive motions shall be not later than **July 26, 2024**.

6. **Pretrial Order**: The Parties shall prepare a Consolidated Pretrial Order on or before **August 16, 2024**, which is not more than 30 days after the date set for filing dispositive motions in this case, as required by LR 26-1(b)(5). In the event that dispositive motions are filed, the joint pretrial order shall be filed no later than 30 days after the order(s) on the dispositive motion(s) is entered, or as otherwise ordered by the Court. The disclosures required under Fed. R. Civ. P. 26(a)(3), and objections thereto, shall be made in the joint pretrial order.

7. **Extensions or Modifications of the Discovery Plan and Scheduling Order**: LR 26-4 governs the modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than 21 days before the discovery deadline sought to be extended. A request made after the expiration date of the subject deadline shall not be granted unless the movant demonstrates that the failure to act was the result of excusable neglect.

8. **FRCP 26-1(b)(9) – Presentation of Electronic Evidence for Jurors**: The Parties certify they have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. Discussions between the parties will be ongoing as the trial date approaches and they stipulate that they intend to present any electronic evidence in a format compatible with the Court's electronic jury evidence display system.

9. **Trial by Magistrate Judge and Short Trial Program:** The Parties hereby certify that they have considered consent to trial by a Magistrate Judge under 28 U.S.C. §636(c) and Fed. R. Civ. 73 and the use of the Short Trial Program.

10. **Alternative Dispute Resolution:** The Parties have considered the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation (collectively, ADR), and are agreeable to engaging in a settlement conference, including one under LR 16-5 should the Court deem the case appropriate for such a settlement conference.

CITY ATTORNEYS' OFFICE

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Attorneys for Defendants
City of Henderson, Officer C. Watts,
Officer B. Shaffer, Sgt. K. Abernathy

Dated: December 26, 2023

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IT IS SO ORDERED.

Rayna J. Zouchak
U.S. MAGISTRATE JUDGE

Dated: December 27, 2023